

REMARKS

This Amendment is being filed in response to the Office Action mailed December 26, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-14 and 16 remain in this application, where claims 2 and 15 have been canceled by this amendment without prejudice. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, claims 3-13 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 3-13 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-13 and 15-16 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement due to the feature of 'adaptation

period' in claims 1 and 14. Without agreeing with the Examiner, and to advance prosecution and expedite allowance of the present application, claims 1 and 14 have been amended to remove 'adaptation period'. Accordingly, withdrawal of this rejection to the claims 1-13 and 15-16 is respectfully requested.

In the Office Action, claim 15 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the Examiner, and in the interest of furthering the prosecution and expediting allowance of the present Application, claim 15 has been canceled without prejudice. The cancellation of claim 15 renders moot this rejection with regard to these claims.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, claims 1 and 6 are objected to for certain informalities. In response, claims 1 and 6 have been

amended in accordance with the Examiner's suggestions.

Accordingly, withdrawal of this objection to claims 1 and 6 is respectfully requested and examination on the merit is respectfully requested.

In the Office Action, claims 1-2, 6, 9 and 11-16 are rejected under 35 U.S.C. §103(a) as allegedly anticipated by U.S. Patent No. 6,581,167 (Gotoh). It is respectfully submitted that claims 1, 3-14 and 16 are patentable over Gotoh for at least the following reasons.

At the outset, there appears to be no substantive rejection of claims 3-5, 8 and 10, and thus it is presumed that claims 3-5, 8 and 10 are allowable. Clarification is respectfully requested.

Gotoh is directed to an information recording medium that includes a defect management information area for managing replacement of defective sectors by a spare sector. In Gotoh, both a system control apparatus 200 shown in FIG 2 (such as a personal computer or host) and a disk drive apparatus 204 cooperate to replace a defective sector by a spare sector. Such cooperation between both the host 200 and drive 204 is evident throughout Gotoh, such as FIGS 5-7 and 9-10 and associate description thereof,

such as column 15, line 21 to column 21, line 57 describing FIGs 5-7; column 23, line 42 to column 25, line 60 describing. Column 25, lines 61-64 specifically recite:

Thus, the optical disk drive apparatus 204 and the system control apparatus 200 cooperate with each other to additionally allocate the second spare area 153, whereby it is possible to increase the reliability of data recording. (Emphasis provided)

In stark contrast, the present invention as recited in independent claims 1 and 14, amongst other patentable elements, recites (illustrative emphasis provided):

adapting the file system information to reflect a latest state of availability of the data area and the allocated supplemental defect management area, during an unmounting phase wherein the host unmounts the disc, wherein the host performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium.

It is respectfully submitted that a host that performs the detecting, the allocating, and the adapting, all before the host unmounts the recording medium, as recited in independent claims 1 and 14, is nowhere disclosed or suggested in Gotoh.


Accordingly, it is respectfully submitted that independent claims 1 and 14 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted

that claims 2-13 and 16 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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